

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Greg Finch	Team: Squad #7	CCRB Case #: 201802981	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 03/28/2018 10:15 AM	Location of Incident: [REDACTED]	Precinct: 83	18 Mo. SOL 9/28/2019	EO SOL 9/28/2019	
Date/Time CV Reported Tue, 04/17/2018 7:01 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 04/17/2018 7:01 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Vincent Campo	08206	947994	083 PCT
2. SGT Joshep Palaguachi	29999	950999	083 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Thomas Turner	22387	921825	083 PCT
2. POM Stephen Dapolito	16877	943131	083 PCT
3. POF Maxine Serrette	07092	954330	083 PCT
4. POM Jordan Staab	21710	963290	083 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Joshep Palaguachi	Force: Police Officer Joshep Palaguachi used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Vincent Campo	Force: Police Officer Vincent Campo used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
C.SGT Joshep Palaguachi	Abuse: Police Officer Joshep Palaguachi forcibly removed § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]
D.POM Vincent Campo	Abuse: Police Officer Vincent Campo forcibly removed § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]
E.SGT Joshep Palaguachi	Abuse: Police Officer Joshep Palaguachi searched § 87(2)(b) [REDACTED] § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
F.POM Vincent Campo	Abuse: Police Officer Vincent Campo searched § 87(2)(b) [REDACTED] § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
G.SGT Joshep Palaguachi	Abuse: Police Officer Joshep Palaguachi Dapolito entered § 87(2)(b) [REDACTED] § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
H.POM Vincent Campo	Abuse: Police Officer Vincent Campo entered § 87(2)(b) [REDACTED] § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]

### Case Summary

On April 17, 2018, § 87(2)(b) filed this complaint via the CCRB's website.

On March 28, 2018, at approximately 10:45 a.m., § 87(2)(b) walked onto the roof deck of his apartment at § 87(2)(b) § 87(2)(b) in Brooklyn. § 87(2)(b) § 87(2)(b)'s roommate, called 911 because he allegedly threatened to throw § 87(2)(b) § 87(2)(b) dog off the roof after staying up all night drinking. Police Officer Joshep Palaguachi, Police Officer Vincent Campo, Police Officer Thomas Turner, Police Officer Stephen Dapolito, all of the 83<sup>rd</sup> Precinct, arrived on scene. PO Palaguachi and PO Campo entered the lobby of § 87(2)(b) and spoke with § 87(2)(b). PO Palaguachi and PO Campo allegedly used physical force against § 87(2)(b) (**Allegation A – Abuse of Authority:** § 87(2)(g) **Allegation B – Abuse of Authority:** § 87(2)(g) PO Palaguachi and PO Campo allegedly removed § 87(2)(b) to the hospital for intoxication (**Allegation C – Abuse of Authority:** § 87(2)(g) **Allegation D – Abuse of Authority:** § 87(2)(g) PO Palaguachi and PO Campo allegedly entered and searched § 87(2)(b)'s apartment (**Allegation E – Abuse of Authority:** § 87(2)(g) **Allegation F – Abuse of Authority:** § 87(2)(g) **Allegation G – Abuse of Authority:** § 87(2)(g) **Allegation H – Abuse of Authority:** § 87(2)(g) § 87(2)(b) was transported to § 87(2)(b) and diagnosed with alcohol abuse (Board Review 11, Board Review 08). No arrests or summonses were effected.

No video footage was available for this incident.

### Findings and Recommendations

**Allegation A – Abuse of Authority: Police Officer Joshep Palaguachi used physical force against § 87(2)(b)**

**Allegation B – Abuse of Authority: Police Officer Vincent Campo used physical force against § 87(2)(b)**

According to § 87(2)(b) § 87(2)(b) dog followed him up to the roof deck, and he did not threaten to throw the dog off the roof (Board Review 01). § 87(2)(b) denied being drunk or hungover that morning, but said he had consumed two drinks the night before. § 87(2)(b) § 87(2)(b), § 87(2)(a) Gen. Mun. § 50-h(3)

§ 87(2)(b) first encountered officers on the second floor landing in the building stairwell. PO Palaguachi asked § 87(2)(b) “Are you § 87(2)(b) § 87(2)(b) said, “Yes.” PO Palaguachi then approached § 87(2)(b) pushed his upper chest against the wall and punched § 87(2)(b)'s jaw with a closed fist. PO Palaguachi and PO Campo handcuffed § 87(2)(b) and carried him by his arms down the stairs to the lobby floor. § 87(2)(b) increasingly resisted the officers' movements by pulling his arms away from their grasp and fighting as they tried to restrain him. On the ground, one of the officers § 87(2)(b) could not see which) pinned his knee against § 87(2)(b)'s back, and an officer pinned his leg against § 87(2)(b)'s legs, stepping on and injuring his pinky toe. After § 87(2)(b) was transported to § 87(2)(b) Hospital, he was discharged and walked home. No officer accused § 87(2)(b) of being intoxicated during this incident. § 87(2)(b) experienced bruises from the punch to his jaw and a broken toe from being pinned by an officer's knee. § 87(2)(b) did not receive further medical treatment for these injuries.

According to § 87(2)(b) § 87(2)(b) had been drinking heavily and stayed up all night before this incident (Board Review 02). § 87(2)(b) § 87(2)(b) was working from home from the apartment when she saw § 87(2)(b) carry her black lab above his head (around his neck) and

walk up to the building's roof. After the 911 was called, § 87(2)(b) told officers outside, “He’s up on the roof” with the dog. Multiple officers entered the building lobby, but § 87(2)(b) could not see the entirety of their interaction with § 87(2)(b). In the building lobby, § 87(2)(b) was rowdy and uncooperative and as tried to break free of the officers walking him down the stairs by swinging his elbows. Officers took § 87(2)(b) to the ground and restrained him against the ground. § 87(2)(b) did not recall if an officer punched § 87(2)(b) or pinned his legs against the ground.

According to the 911 audio, § 87(2)(b) reported that § 87(2)(b) was drunk and had attacked § 87(2)(b) earlier that day and was threatening to throw a dog off the roof (Board Review 20).

According to medical records, § 87(2)(b) was “combative” and diagnosed with alcohol abuse (Board Review 08). § 87(2)(b) denied being in pain and there is no mention of § 87(2)(b) being hit by NYPD officers or subsequent injury.

According to PO Palaguachi, when he and PO Campo arrived and entered and building lobby, § 87(2)(b) stood on the stairs between the lobby and first floor landing and spoke with the officers (Board Review 03). The officers asked § 87(2)(b) about the dog, and he responded, “You can’t see the dog.” § 87(2)(b) blocked the officers from ascending the stairwell, and was intoxicated with slurred speech. Officers heard a dog barking up the stairs. PO Palaguachi and PO Campo decided that § 87(2)(b) had to be removed to the hospital because he “couldn’t be left by himself” in the state of intoxication he was in, especially with a dog they believe he threatened to harm. § 87(2)(b) independently walked down the stairs to the lobby floor. Sgt. Palaguachi denied that he or any officer dragged § 87(2)(b) from the stairs to the lobby. § 87(2)(b) objected to going to the hospital and fought the officers. Sgt. Palaguachi and PO Campo brought § 87(2)(b) to the floor of the lobby, and he tried to kick the officers but was unsuccessful. Sgt. Palaguachi held § 87(2)(b)’s legs down with his hands, but did not use any additional force and denied that he or any other officer punched § 87(2)(b) in the head. Sgt. Palaguachi denied that he or any other officer pushed § 87(2)(b) against a wall, and denied that he or any other officer pressed any part of his body against § 87(2)(b)’s pinky toe. Sgt. Palaguachi did not observe any injury on § 87(2)(b) during this incident.

PO Palaguachi’s statement was mostly consistent with the other officers’ statements (Board Review 05, Board Review 06). According to PO Campo, § 87(2)(b) yelled at PO Campo and PO Palaguachi on the stairwell before turning to go upstairs (Board Review 04). At that point, PO Campo said he could not let § 87(2)(b) go because he was slurring all over the place, falling against walls, and acting aggressively with the officers, and—most importantly—because it was his roommate who had called 911 about him being intoxicated and the officers had not yet talked to the roommate. PO Campo stopped § 87(2)(b) on the stairs by grabbing his upper arm from behind, a stair below him, and § 87(2)(b) pulled his arm forward and then cut his elbow back toward PO Campo. § 87(2)(b) tried to elbow PO Campo but did not succeed “because he was very sloppy and intoxicated.” PO Campo took both of his hands and put them around § 87(2)(b)’s arm and did a forcible takedown of § 87(2)(b). “No punching, kicking, or [aggression]” by either party occurred during this takedown and that § 87(2)(b) and resisted the officers trying to take him to the ground by tensing up his body and trying to kick the officers. While § 87(2)(b) was lying on his stomach, he was placed into handcuffs for safety reasons. § 87(2)(b) began to roll over and try to kick his feet up, tried to spit at PO Campo, and yelled things like “I’m going to kill you

guys... wait until I get out of these cuffs!” PO Campo may have tried to restrain § 87(2)(b) s legs but could not remember. PO Campo did not recall placing his knee across § 87(2)(b) s lower legs and he did not know whether other officers did so.

According to the AIDED, § 87(2)(b) “was acting erratic due to being intoxicated” and transported to § 87(2)(b) Hospital (Board Review 11). PO Serrette said that she generated the AIDED because she was the last officer to arrive on scene (Board Review 07).

§ 87(2)(b), § 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Allegation C – Abuse of Authority: Police Officer Joshep Palaguachi forcibly removed**

§ 87(2)(b) **to the hospital.**

**Allegation D – Abuse of Authority: Police Officer Vincent Campo forcibly removed** § 87(2)(b)

§ 87(2)(b) **to the hospital.**

According to § 87(2)(b) PO Palaguachi and PO Campo explained to EMTs that § 87(2)(b) had threatened to throw a dog off a roof and was “agitated” and “unstable.” PO Palaguachi told § 87(2)(b) “You’re going to the hospital.” PO Palaguachi and PO Campo strapped § 87(2)(b) to a backboard with EMTs, lodged him into an ambulance, and escorted him to § 87(2)(b) Hospital. About an hour later, § 87(2)(b) independently left § 87(2)(b) Hospital by unstrapping himself from the gurney and walking out of the hospital. As discussed in **Allegation A and B**, § 87(2)(b) denied being drunk or hungover the morning of the incident, and said that he had consumed two drinks the night before. No officer accused § 87(2)(b) of being intoxicated during this incident. § 87(2)(b), § 87(2)(a) Gen. Mun. § 50-h(3)

According to § 87(2)(b) § 87(2)(b) officers strapped him to a backboard and lodged him into an ambulance, and she later learned that § 87(2)(b) was taken to the hospital. § 87(2)(b) was intoxicated during this incident and fought with officers as they escorted him out of the building.

According to the 911 audio, § 87(2)(b) § 87(2)(b) reported that § 87(2)(b) was drunk and had attacked § 87(2)(b) § 87(2)(b) earlier that day and was threatening to throw a dog off the roof (Board Review 20).

According to PO Palaguachi, he and PO Campo decided that § 87(2)(b) had to be removed to the hospital because he “couldn’t be left by himself” in the state of intoxication he was in, especially with a dog they believe he threatened to harm. EMS had been automatically dispatched to § 87(2)(b) due to it being an EDP call. EMS arrived and officers strapped § 87(2)(b) onto a gurney and lodged him into the ambulance. Sgt. Palaguachi did not assist in transporting § 87(2)(b) to the hospital and did not recall which hospital he was transported to.

PO Palaguachi’s statement was mostly consistent with the other officers’ statements. According to PO Campo, he and PO Palaguachi could not let § 87(2)(b) go because he was slurring all over the place, falling against walls, and acting aggressively with the officers, and—most importantly—because it was his roommate who had called 911 about him being intoxicated

and the officers had not yet talked to the roommate. As § 87(2)(b) was being lodged into the ambulance, PO Campo spoke with § 87(2)(b) who was sitting on a stoop nearby. § 87(2)(b) told PO Campo that § 87(2)(b) often gets drunk, gets very violent, that she was afraid of him, and that he was abusive to her and her roommates.

According to the AIDED, § 87(2)(b) “was acting erratic due to being intoxicated” and transported to § 87(2)(b) Hospital. PO Serrette said that she generated the AIDED because she was the last officer to arrive on scene. Both § 87(2)(b) Hospital Center and FDNY did not have a copy of the Ambulance Call Report, and so the EMTs who transported § 87(2)(b) were unable to be identified (Board Review 12).

A person is considered to be emotionally disturbed, and therefore must be taken into protective custody, when she appears to be mentally ill or temporarily deranged and is conducting in a manner which a police officer reasonably believes is likely to result in serious injury to herself or others. NYPD Patrol Guide, Section 221-13 (Board Review 19).

§ 87(2)(b), § 87(2)(g)

**Allegation E – Abuse of Authority: Police Officer Joshep Palaguachi entered § 87(2)(b) § 87(2)(b) in Brooklyn.**

**Allegation F – Abuse of Authority: Police Officer Vincent Campo entered § 87(2)(b) § 87(2)(b) in Brooklyn.**

**Allegation G – Abuse of Authority: Police Officer Joshep Palaguachi searched § 87(2)(b) § 87(2)(b) in Brooklyn.**

**Allegation H – Abuse of Authority: Police Officer Vincent Campo searched § 87(2)(b) § 87(2)(b) in Brooklyn.**

According to § 87(2)(b) PO Palaguachi and PO Campo handed off § 87(2)(b) to PO Turner and PO Dapolito after he was handcuffed. PO Palaguachi and PO Campo walked up to § 87(2)(b) s apartment, but he could not see what they did or where they went. § 87(2)(b) s third floor apartment door was unlocked. § 87(2)(b) believed that PO Palaguachi and PO Campo entered § 87(2)(b) s apartment through his open apartment door and performed a “ cursory search” of the main living area space, and obtained § 87(2)(b) s ID from his wallet, which was on a coffee table in the living room. There was no discussion of his ID and § 87(2)(b) was not asked to produce his ID.

According to § 87(2)(b) § 87(2)(b) she did not know if any officers entered § 87(2)(b)

According to PO Palaguachi, he denied entering § 87(2)(b) s § 87(2)(b) apartment. Sgt. Palaguachi did not recall if any officer entered § 87(2)(b) s apartment, or how § 87(2)(b) s ID was obtained.

PO Palaguachi’s statement was mostly consistent with the other officers’ statements. According to PO Campo, he did not at any point enter the apartment unit on the § 87(2)(b) floor and he did not know whether any other officer did so.

§ 87(2)(b), § 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO Palaguachi has been a member-of-service for seven years and has been a subject of one CCRB complaint and two allegations, none of which were substantiated. PO § 87(2)(g)
- PO Campo has been a member-of-service for 10 years and has been a subject of two CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined mediation.
- On April 19, 2018, § 87(2)(b) filed a Notice of Claim regarding this incident with the NYC Comptroller's office (Board Review 10). A 50-H hearing was held on § 87(2)(b)
- According to the Office of Court Administration (OCA), § 87(2)(b) does not have any criminal convictions in New York City (Board Review 13).

---

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date